



Sen. Linda Holmes

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09800SB2977sam001

LRB098 19609 JLK 55628 a

1 AMENDMENT TO SENATE BILL 2977

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2977 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The River Edge Redevelopment Zone Act is  
5 amended by changing Section 10-10.1 as follows:

6 (65 ILCS 115/10-10.1)

7 (Section scheduled to be repealed on July 29, 2017)

8 Sec. 10-10.1. Utility facilities.

9 (a) It is in the public interest that costs for  
10 redevelopment in a River Edge Redevelopment Zone impacting a  
11 public utility, as defined by Section 3-105 of the Public  
12 Utilities Act, or a public utility's property, as described in  
13 subsection (b) of this Section, should not be allocated solely  
14 to the entity engaging in economic redevelopment because this  
15 economic redevelopment benefits the utility service territory  
16 as a whole and not just the particular area where the

1 redevelopment occurs.

2 (b) A public utility that has facilities or land affected  
3 by the clean-up, remediation, and redevelopment of a River Edge  
4 Redevelopment Zone and that incurs costs related to the  
5 remediation or the removing or relocating of utility facilities  
6 in the River Edge Redevelopment Zone may recover these costs  
7 pursuant to subsections (c) and (d) of this Section.

8 (c) The reasonable and prudent costs incurred by a public  
9 utility for facility removal or relocation described in  
10 subsection (b) of this Section shall be shared equally among  
11 the public utility, the municipality in which the facility is  
12 located, and any landowner that is located within 100 feet of  
13 the utility facility and that directly benefits from the  
14 removal or relocation of the utility facility or the  
15 redevelopment of the public utility's land. In no event shall  
16 the costs incurred by each municipality or landowner for a  
17 given project exceed an equal percentage of the total direct,  
18 indirect, and overhead project costs, or \$1,000,000 ~~\$3,667,000~~  
19 each, whichever amount is less. The reasonable and prudent  
20 costs incurred by the public utility for facility removal or  
21 relocation that are not the responsibility of the municipality  
22 or landowner under this subsection (c) shall be recovered by  
23 the public utility from all retail customers located in the  
24 municipality or municipalities in which the removal or  
25 relocation occurs through an appropriate tariff mechanism, and  
26 the public utility may record and defer such costs as a

1 regulatory asset until they are so recovered. In no event shall  
2 the costs recovered by the public utility from all retail  
3 customers located in the municipality or municipalities in  
4 which the removal or relocation occurs shall exceed \$5,000,000.  
5 The public utility shall record and defer the remainder of  
6 these costs as a regulatory asset to be included in the public  
7 utility's total rate base and amortized in the public utility's  
8 next filing for a general increase in rates over a reasonable  
9 period that is shorter than the life of the affected facility  
10 or facilities. Such regulatory assets shall be collected from  
11 all residential and commercial ratepayers system-wide.

12 (d) The Illinois Commerce Commission shall allow a public  
13 utility described in subsection (b) to fully recover from all  
14 retail customers in its service territory all reasonable and  
15 prudent costs that it incurs in conducting environmental  
16 remediation in the River Edge Redevelopment Zone related to the  
17 removal or relocation of utility facilities in the River Edge  
18 Redevelopment Zone, including, but not limited to,  
19 transmission and distribution lines, transformers, and poles.  
20 These environmental remediation costs also include, but are not  
21 limited to, direct, indirect, and overhead costs calculated by  
22 the public utility for taxes or other charges, cost adjustments  
23 made after the project has begun, and any other environmental  
24 remediation-related charges. The public utility shall record  
25 and defer such costs as a regulatory asset to be included in  
26 the public utility's total rate base and amortized in the

1 public utility's next filing for a general increase in rates  
2 over a reasonable period that is shorter than the life of the  
3 affected facility or facilities. Such regulatory assets shall  
4 be collected from all residential and commercial ratepayers  
5 system-wide, and not only from ratepayers in the municipality's  
6 corporate limits. In the event the River Edge Redevelopment  
7 Zone is decertified, the public utility shall be permitted to  
8 recover all reasonable and prudent costs incurred as of the  
9 date of the decertification, as well as all reasonable and  
10 prudent costs incurred subsequent to decertification that are  
11 necessary to complete any projects commenced while the River  
12 Edge Redevelopment Zone was certified, consistent with this  
13 Section.

14 (e) This Section is repealed on July 1, 2020 ~~7 years after~~  
15 ~~the effective date of this amendatory Act of the 96th General~~  
16 ~~Assembly.~~

17 (Source: P.A. 96-1404, eff. 7-29-10.)".